



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18778 of 2021
and
Crl.M.P.(MD)No.10408 of 2021

Karthick Raja ... Petitioner

Vs.

1.The Inspector of Police,
Koodakovil Police Station,
Madurai District.

2.Veerapandi ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Crime No.62 of 2020 on the file of the 1st respondent and quash the same as illegal.

For Petitioner	:	Mr.S.Ayyanar Prem Kumar
For Respondents	:	Mr.T.Senthil Kumar, Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the impugned FIR in Crime No.62 of 2020 registered on the file of the first respondent for the offences under Sections 188, 269 and 270 of IPC.

2.On going through the contents of the FIR, it is seen that since the petitioner was found roaming in his two wheeler on 24.03.2020 in violation of the prohibitory orders, the FIR came to be registered against the petitioner.

3.The petitioner's counsel draws my attention to the decision reported in **2018(2) L.W (Crl.)606 (Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another)**. In the said decision it has been held that police cannot register an FIR for any of the offences falling under Sections 177 to 188 of IPC. Therefore, the very registration of the FIR is illegal. That apart, no adverse consequence ensue as a



result of the petitioner's conduct. He did not spread any disease. Therefore, the continuance of the impugned prosecution is not warranted. The impugned FIR is quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ias

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Inspector of Police,
Koodakovil Police Station,
Madurai District.

+1 CC to M/s.S. AYYANARPREMKUMAR, Advocate (SR-36531[F] dated 30/11/2021)

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MGJ(02.12.2021) 2P 3C